

Exhibit 1

COMMONWEALTH OF VIRGINIA



ROANOKE CITY CIRCUIT COURT
Civil Division
315 CHURCH AVENUE, SW
ROANOKE VA 24016
(540) 853-6702

Virginia:
In the ROANOKE CITY CIRCUIT COURT

Proof of Service

Case number: 770CL20002026-0
Service number: 001
Service filed: September 09, 2020
Judge:

Served by: SPECIAL PROCESS SERVER
Style of case: GARY M BOWMAN vs CITIBANK N A
Service on: CITIBANK, N.A.
ATTN: KELLY UMSTATT
CITIBANK NA LEGAL SERVICES
5800 SOUTH CORPORATE PLACE
SIOUX FALLS SD 57108

Attorney: GARY M BOWMAN
540-343-1173

Instructions: SEE THE ATTACHED COMPLAINT, MOTION FOR TEMPORARY INJUNCTION, AND
DECLARATION OF GARY M. BOWMAN

Returns shall be made hereon, showing service of Summons issued Thursday, September 10, 2020 with a copy
Complaint filed Wednesday, September 09, 2020 attached.

Hearing date :

Service issued: Thursday, September 10, 2020

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



ROANOKE CITY CIRCUIT COURT

Civil Division

315 CHURCH AVENUE, SW

ROANOKE VA 24016

(540) 853-6702

Summons

To: CITIBANK, N.A.
ATTN: KELLY UMSTATT
CITIBANK NA LEGAL SERVICES
5800 SOUTH CORPORATE PLACE
SIOUX FALLS SD 57108

Case No. 770CL20002020

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, September 10, 2020

Clerk of Court: BRENDA S. HAMILTON

by

[Signature]
(Clerk of Court)

Instructions:

SEE THE ATTACHED COMPLAINT, MOTION FOR TEMPORARY INJUNCTION
DECLARATION OF GARY M. BOWMAN

Hearing Official:

[Signature]

Attorney's name:

GARY M BOWMAN
540-343-1173

COMMONWEALTH OF VIRGINIA



Proper attire required in Court Rooms
NO shorts
NO halters/tank tops
NO flip-flop shoes
NO t-shirts
NO hats
NO food, drinks or gum
NO cell phones in Courthouse

ROANOKE CITY CIRCUIT COURT
Civil Division
315 CHURCH AVENUE, SW
ROANOKE VA 24016
(540) 853-6702

Summons

To: CITIBANK, N.A.
ATTN: KELLY UMSTATT
CITIBANK NA LEGAL SERVICES
5800 SOUTH CORPORATE PLACE
SIOUX FALLS SD 57108

Case No. 770CL20002026-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, September 10, 2020

Clerk of Court: BRENDA S. HAMILTON

by Karen M. Stapleton
(CLERK/DEPUTY CLERK)

Instructions: SEE THE ATTACHED COMPLAINT, MOTION FOR TEMPORARY INJUNCTION, AND DECLARATION OF GARY M. BOWMAN

Hearing Official:

Attorney's name: GARY M BOWMAN
540-343-1173

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

GARY M. BOWMAN,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

Case No.

CL20-2024

CIRCUIT COURT

Received & Filed

8:43am
SEP 09 2020

By [Signature]
Deputy Clerk

CITY OF ROANOKE

COMPLAINT

COMES NOW the plaintiff Gary M. Bowman, by counsel, who moves this Court to enter an Injunction against Citibank, N.A. on the grounds stated herein prohibiting it from prohibiting Citibank, N.A. from paying out \$108,485.04 of the funds that were transferred by Bowman to Citibank, N.A. (Routing Number [REDACTED], Account Number [REDACTED]) on September 3, 2020 .

Parties

1. Gary M. Bowman ("Bowman") is a resident of Roanoke, Virginia. He is a licensed attorney in Virginia.
2. Walgreen Co. is a Pennsylvania corporation that does business in the Commonwealth of Virginia.
3. Citibank, N.A. is a national bank that does business in Virginia.
4. Holarem N, Ltd. is a non-existent fictitious entity.

Statement of Facts

5. The federal USA Patriot Act requires Citibank, N.A. to have a Customer Identification Program, 31 U.S.C. § 5318(i)(3); 12 C.F.R. §§ 208.63(b), 211.5 (m), 211.24(j); 12 C.F.R. § 326.8(b); 12 C.F.R. § 748.2(b), and to retain records of the identity of

its account holders for five years. 31 C.F.R. § 103.38(d).

6. Upon information, Citibank, N.A. did not obtain the identity of a natural person associated with "Holarem N.Ltd.", but opened a deposit account in the name of Holarem N Ltd. in violation of 31 U.S.C. § 5318(i)(3).

7. Citibank, N.A. and Holarem N Ltd. have conspired to use the account in the name of Halarem N Ltd. at Citibank, N.A. to facilitate financial bank, mail, and wire fraud, including cashier check fraud. Citibank, N.A. facilitates Holarem N Ltd's fraudulent schemes by allowing it to maintain an account without proof of identity as required by the PATRIOT Act and by failing to monitor and prevent its fraudulent activity when given clear warnings and notifications that the account is being used for fraudulent and criminal activity.

8. On or about August 19, 2020, IMPOSTER 1 (posing as Brian Zikaras, a pharmacist) contacted Plaintiff Bowman to retain Bowman to represent him in a putative (but it is now clear was a feigned dispute) with his former employer, Walgreens, Inc. IMPOSTER 2 (posing as Walgreens, Inc. Human Resources Director Kathleen Thompson Wilson). In the period from August 19, 2020 through September 1, 2020, IMPOSTERS 1 and 2 feigned a dispute in which Plaintiff Bowman (not knowing the dispute was feigned) negotiated a settlement from IMPOSTER 2 in favor of his client IMPOSTER 2.

9. IMPOSTERS 1 and 2 are associated with Holarem N Ltd., the holder of Citibank Account Number [REDACTED], SWIFT Code [REDACTED].

10. On or about September 1, 2020, IMPOSTERS 1 and 2 caused the

issuance of a putative "Cashier's Check," drawn on BBVA USA bank to Bowman in the amount of \$109,687.04.

11. The "Cashier's Check" was for payment of a putative settlement in favor Brian Zikaras, the person whom IMPOSTER 2 impersonated.

12. On September 3, 2020 (the Thursday before Labor Day), Bowman paid to Citibank, N.A. on behalf of Zikaras \$108,485.04 by wire transfer.

13. On September 8, 2020 (the Tuesday after Labor Day), Bowman became aware that the "Cashier's Check" was bogus and that IMPOSTERS 1 and 2 perpetrated a scheme to steal money from Bowman.

14. Bowman's bank, American National Bank and Trust, immediately notified Citibank that the wire transfer was fraudulent.

15. Upon information and belief, the funds that Bowman transferred to Citibank, N.A. Account Number [REDACTED] remain in that account.

16. Citibank, N.A. will allow Holarem N, Ltd., the perpetrators of the fraudulent scheme, to withdraw the funds if this Court does not intervene to enjoin Citibank, N.A. from transferring the funds to the perpetrators of the fraudulent "Cashier's Check" scheme.

CLAIMS FOR RELIEF

(INJUNCTION)

17. The allegations of paragraphs 1-16 are adopted herein.

18. Citibank owes a duty to noncustomers, including Bowman, to protect them from fraudulent activity when Citibank has been

explicitly notified (as it was here by American National Bank & Trust Co.) that it is being used to facilitate fraudulent and criminal activity.

19. It is negligent for Citibank, N.A. to ignore the clear warning and notification from American National Bank & Trust Co. that the funds transferred to it by wire on September 3, 2020 are the proceeds of fraudulent and criminal activity by its customer, the fictitious entity Holarem N Ltd.

20. Citibank, N.A. has failed to notify American National Bank & Trust Co. that it has taken any activity to stop its customer, the fictitious entity Holarem N Ltd., from withdrawing the funds transferred to it by wire on September 3, 2020 from Account Number [REDACTED].

21. Citibank, N.A. has breached its duty to Bowman by retaining the funds transferred to it by wire on September 3, 2020 from Account Number [REDACTED] and allowing those funds to remain available for withdrawal by the fictitious entity Holarem N Ltd.

22. Bowman is likely to succeed on the merits that he is the rightful owner of \$59,639.12 that is in the possession of Citibank, N.A. and Holarem N Ltd. Bowman has been injured in the amount of \$59,639.12.

23. Bowman does not have an adequate remedy at law and will suffer irreparable harm if Citibank, N.A. transfers his \$59,639.12 to the perpetrators of the fraudulent scheme because he will not be able to trace and recover his money from Holarem N Ltd., a fictitious entity.

24. The balance of equities is in Bowman's favor because he

seeks to recover his property.


25. An injunction is in the public interest because it will remedy the criminal and fraudulent "Cashier's Check" scheme which has victimized Bowman and it will deter others from pursuing similar fraudulent schemes.

CONCLUSION

WHEREFORE Bowman prays that this Court will issue a Permanent Injunction and a Preliminary Injunction prohibiting Citibank, N.A. from paying out \$108,485.04 of the funds that were transferred by Bowman to Citibank, N.A. (Routing Number [REDACTED], Account Number [REDACTED]) on September 8, 2020.

Respectfully Submitted,

GARY M. BOWMAN

By: 

Gary M. Bowman, Esq.
VSB No. 28866
2728 Colonial Ave., Ste. 100
Roanoke, Virginia 24015
Tel: (540) 343-1173
gary@garymbowman.com
Pro Se

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

GARY M. BOWMAN,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

Case No.

CL20-2026

CIRCUIT COURT

Received & Filed

8:43am

SEP 09 2020

By H. Hamster

Deputy Clerk

CITY OF ROANOKE

MOTION FOR PRELIMINARY INJUNCTION

COMES NOW the plaintiff Gary M. Bowman, by counsel, who moves this Court to enter a Preliminary Injunction against Citibank, N.A. prohibiting it from prohibiting Citibank, N.A. from paying out \$108,485.04 of the funds that were transferred by Bowman to Citibank, N.A. (Routing Number [REDACTED], Account Number [REDACTED]) on September 3, 2020..

Parties

1. Gary M. Bowman ("Bowman") is a resident of Roanoke, Virginia. He is a licensed attorney in Virginia.
2. Walgreen Co. is a Pennsylvania corporation that does business in the Commonwealth of Virginia.
3. Citibank, N.A. is a national bank that does business in Virginia.
4. Holarem N, Ltd. is a non-existent fictitious entity.

Statement of Facts

5. The federal USA Patriot Act requires Citibank, N.A. to have a Customer Identification Program, 31 U.S.C. § 5318(i)(3); 12 C.F.R. §§ 208.63(b), 211.5 (m), 211.24(j); 12 C.F.R. § 326.8(b); 12 C.F.R. § 748.2(b), and to retain records of the identity of

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its account holders for five years. 31 C.F.R. § 103.38(d).

6. Upon information, Citibank, N.A. did not obtain the identity of a natural person associated with "Holarem N Ltd.", but opened a deposit account in the name of Holarem N Ltd. in violation of 31 U.S.C. § 5318(i)(3).

7. Citibank, N.A. and Holarem N Ltd. have conspired to use the account in the name of Halarem N Ltd. at Citibank, N.A. to facilitate financial bank, mail, and wire fraud, including cashier check fraud. Citibank, N.A. facilitates Holarem N Ltd's fraudulent schemes by allowing it to maintain an account without proof of identity as required by the ^{as}PATRIOT Act and by failing to monitor and prevent its fraudulent activity when given clear warnings and notifications that the account is being used for fraudulent and criminal activity.

8. On or about August 19, 2020, IMPOSTER 1 (posing as Brian Zikaras, a pharmacist) contacted Plaintiff Bowman to retain Bowman to represent him in a putative (but it is now clear was a feigned dispute) with his former employer, Walgreens, Inc. IMPOSTER 2 (posing as Walgreens, Inc. Human Resources Director Kathleen Thompson Wilson). In the period from August 19, 2020 through September 1, 2020, IMPOSTERS 1 and 2 feigned a dispute in which Plaintiff Bowman (not knowing the dispute was feigned) negotiated a settlement from IMPOSTER 2 in favor of his client IMPOSTER 2.

9. IMPOSTERS 1 and 2 are associated with Holarem N Ltd., the holder of Citibank Account Number [REDACTED], SWIFT Code [REDACTED].

10. On or about September 1, 2020, IMPOSTERS 1 and 2 caused the

issuance of a putative "Cashier's Check," drawn on BBVA USA bank to Bowman in the amount of \$109,687.04.

11. The "Cashier's Check" was for payment of a putative settlement in favor Brian Zikaras, the person whom IMPOSTER 2 impersonated.

12. On September 3, 2020 (the Thursday before Labor Day), Bowman paid to Citibank, N.A. on behalf of Zikaras \$108,485.04 by wire transfer.

13. On September 8, 2020 (the Tuesday after Labor Day), Bowman became aware that the "Cashier's Check" was bogus and that IMPOSTERS 1 and 2 perpetrated a scheme to steal money from Bowman.

14. Bowman's bank, American National Bank and Trust, immediately notified Citibank that the wire transfer was fraudulent.

15. Upon information and belief, the funds that Bowman transferred to Citibank, N.A. Account Number [REDACTED] remain in that account.

16. Citibank, N.A. will allow Holarem N, Ltd., the perpetrators of the fraudulent scheme, to withdraw the funds if this Court does not intervene to enjoin Citibank, N.A. from transferring the funds to the perpetrators of the fraudulent "Cashier's Check" scheme.

CLAIMS FOR RELIEF

(PRELIMINARY INJUNCTION)

17. The allegations of paragraphs 1-16 are adopted herein.

18. Citibank owes a duty to noncustomers, including Bowman, to protect them from fraudulent activity when Citibank has been

explicitly notified (as it was here by American National Bank & Trust Co.) that it is being used to facilitate fraudulent and criminal activity.

19. It is negligent for Citibank, N.A. to ignore the clear warning and notification from American National Bank & Trust Co. that the funds transferred to it by wire on September 3, 2020 are the proceeds of fraudulent and criminal activity by its customer, the fictitious entity Holarem N Ltd.

20. Citibank, N.A. has failed to notify American National Bank & Trust Co. that it has taken any activity to stop its customer, the fictitious entity Holarem N Ltd., from withdrawing the funds transferred to it by wire on September 3, 2020 from Account Number [REDACTED].

21. Citibank, N.A. has breached its duty to Bowman by retaining the funds transferred to it by wire on September 3, 2020 from Account Number [REDACTED] and allowing those funds to remain available for withdrawal by the fictitious entity Holarem N Ltd.

22. Bowman is likely to succeed on the merits that he is the rightful owner of \$59,639.12 that is in the possession of Citibank, N.A. and Holarem N Ltd. Bowman has been injured in the amount of \$59,639.12.

23. Bowman does not have an adequate remedy at law and will suffer irreparable harm if Citibank, N.A. transfers his \$59,639.12 to the perpetrators of the fraudulent scheme because he will not be able to trace and recover his money from Holarem N Ltd., a fictitious entity.

24. The balance of equities is in Bowman's favor because he

seeks to recover his property.

25. An injunction is in the public interest because it will remedy the criminal and fraudulent "Cashier's Check" scheme which has victimized Bowman and it will deter others from pursuing similar fraudulent schemes.

CONCLUSION[#]

WHEREFORE Bowman prays that this Court will issue a Permanent Injunction and a Preliminary Injunction prohibiting Citibank, N.A. from paying out \$108,485.04 of the funds that were transferred by Bowman to Citibank, N.A. (Routing Number [REDACTED], Account Number [REDACTED]) on September 8, 2020.

Respectfully Submitted,

GARY M. BOWMAN

By: 

Gary M. Bowman, Esq.
VSB No. 28866
2728 Colonial Ave., Ste. 100
Roanoke, Virginia 24015
Tel: (540) 343-1173
gary@garymbowman.com
Pro Se

#

#

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

GARY M. BOWMAN,

Plaintiff,

v.

CITIBANK, N.A.,

Defendants.

Case No.

CL20-2026

CIRCUIT COURT

Received & Filed

8:43 am

SEP 09 2020

DECLARATION OF GARY M. BOWMAN

By [Signature]
Deputy Clerk
CITY OF ROANOKE

1. I am Gary M. Bowman. I am over 18 years of age and am competent to make this Declaration.
2. I am a resident of Roanoke, Virginia. I am a licensed attorney in Virginia.
2. Citibank, N.A. is a national bank that does business in Virginia.
4. On or about September 2, 2020, IMPOSTER 2 (posing as Walgreens, Inc. Director of Human Resources Kathleen Thompson Wilson) caused the issuance of a putative "Cashier's Check," drawn on BBVA USA bank and payable to me in the amount of \$109,687.04, as attorney for IMPOSTER 1 (posing as former Walgreens, Inc. employee Brian Zikaras).
5. The "Cashier's Check" was for payment of a putative severance payment payable to Zikaras.
6. On September 3, 2020, I instructed my bank American National Bank & Trust Co. to wire \$108,485.04 to Citibank, N.A. Account Number [REDACTED] on behalf of Zikaras.
7. On September 8, 2020, I learned that the putative "Cashiers Check" was not issued by Walgreen Co., was issued as part of a

fraudulent scheme, and that the "Cashiers Check" was bogus.

8. Upon information and belief, Citibank is in possession of the \$108,485.04 that was wired to Routing Number [REDACTED], Account Number [REDACTED].

9. Citibank is in possession of \$59,639.12 that is my property.

10. Citibank will likely transfer the funds to the unknown perpetrators of the fraud if this Court does not intervene to enjoin Citibank from transferring the funds to the perpetrators of the fraudulent "Cashier's Check" scheme.

11. All of the allegations of the Complaint and Motion for Preliminary Injunction filed by me in this case are true.

I declare under penalty of perjury that the foregoing statements are true.



Gary M. Bowman

9 September 2020
Date

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

GARY M. BOWMAN,

Plaintiff,

v.

CITIBANK, N.A.,

Defendants.

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Case No.

CL 20-2026

TEMPORARY RESTRAINING ORDER

CAME THIS DAY the plaintiff, Gary M. Bowman, by counsel, who moved this Court to enter a Preliminary Injunction in his favor prohibiting Citibank, N.A. from paying out \$108,485.04 of the funds that were transferred to Routing Number [REDACTED], Account Number [REDACTED] on September 3, 2020, pending further Order of this Court.

UPON CONSIDERATION WHEREOF, it appearing to the Court that grounds exist to enjoin Citibank from paying out \$108,485.04 of the funds that were transferred to Routing Number [REDACTED], Account Number [REDACTED] on September 3, 2020, it is hereby

ORDERED, ADJUDGED, and DECREED that Citibank be and is hereby restrained and enjoined from paying out \$108,485.04 of the funds that were transferred to Routing Number [REDACTED], Account Number [REDACTED] on September 3, 2020. This Temporary Restraining Order will remain in effect for ten days from the date of entry of this Order.

The Clerk is directed to certify a copy of this Order to Counsel of Record.

DATE:

September 9, 2020

ENTER:

Onslee Ware

I ASK FOR THIS:

Gary M. Bowman, Esq.
VSB No. 28866
2728 Colonial Ave., Ste. 100
Roanoke, Virginia 24015
Tel: (540) 343-1173
Pro Se

A COPY TESTE BRENDA S. HAMILTON, CLERK
By [Signature] Deputy Clerk

SUBPOENA DUCES TECUM (CIVIL) -
ATTORNEY ISSUED VA CODE §§ 8.01-413, 16.1-89, 16.1-265;
Commonwealth of Virginia Supreme Court Rules 1:4, 4.9

Case No.: CL20-2026

HEARING DATE AND TIME

ROANOKE CIRCUIT COURT

Court

2D FLOOR, 315 W. CHURCH AVE., ROANOKE VA 24016

COURT ADDRESS

GARY M. BOWMAN

v./In re:

CITIBANK, N.A.

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

CITIBANK, N.A.

NAME

c/o Legal Svcs., Subpoena Compliance Dept., 5800 S. Corporate Place, Mail Code 451

STREET ADDRESS

Sioux Falls

SD

57108

CITY

STATE

ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

1. Any and all documentation or information provided to you, or otherwise in your possession, as Customer Identification Program information regarding the identity of the person or persons who opened and used your Account No. 35320321.
2. Any and all documentation provided to you, or otherwise in your possession, as Customer Identification Program information regarding the identity of your customer UBA B. PLC.
3. Any and all documentation provided to you, or otherwise in your possession, as Customer Identification Program information regarding the identity of your customer Holarem N, Ltd. or Holarem N Ltd.
4. A copy of all statements, deposits, checks, wire transfer documents relating to transactions in Account No. 35320321.

at Law Office of Gary M. Bowman, 2728 Colonial Ave.,
Ste. 100 Roanoke VA 24015

LOCATION

at 10:00 a.m., Sept. 16, 2020

DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

GARY M. BOWMAN

PARTY NAME

GARY M. BOWMAN, ATTORNEY AT LAW

NAME OF ATTORNEY

28866

VIRGINIA STATE BAR NUMBER

2728 COLONIAL AVE., STE. 100

OFFICE ADDRESS

(540) 343-1173

TELEPHONE NUMBER OF ATTORNEY

ROANOKE VA 24015

OFFICE ADDRESS

gary@garymbowman.com

FACSIMILE NUMBER OF ATTORNEY

September 9, 2020

DATE ISSUED



SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☐ This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME:

ADDRESS:

☐ PERSONAL SERVICE

Tel.
No.

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above:

☐ Posted on front door or such other door as appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ NOT FOUND

....., Sheriff

by

....., Deputy Sheriff

DATE

CERTIFICATE OF COUNSEL

I, GARY M. BOWMAN, counsel for PLAINTIFF, hereby certify

that a copy of the foregoing subpoena duces tecum was MAILED

DELIVERY METHOD

to SUBPOENA COMPLIANCE DEPT., counsel of record for CITIBANK, N.A.,

on the 25TH day of OCTOBER, 2019.



SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417